IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 24205 of 2004(F)

PETITIONERS:

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1. **VALIYAVEETTIL SAROJINI, W/O.RAMAN, AYYANTHOLE, THRISSUR-680 001.**
2. **VALIYAVEETTIL SUKUMARAN, S/O.RAMAN, AYYANTHOLE, THRISSUR-680 003.**
3. **PANDARIPARAMBIL PRAJISH, S/O.VALSALAN, ANCHERI, THRISSUR-680 006.**
4. **PANDARIPARAMBIL PRASEENA, D/O.VALSALAN, ANCHERI, THRISSUR-680 006.**
5. **KUTTIATTUPARAMBIL SATHISAN, S/O.KRISHNANKUTTY, KALATHODE, THRISSUR -680 655.**
6. **KUTTIATTUPARAMBIL SATHYAN, S/O.KRISHNANKUTTY, KALATHODE, THRISSUR -680 655.**
7. **KUTTIATTUPARAMBIL LEELA, W/O. KRISHNANKUTTY, KALATHODE, THRISSUR-680 655.**
8. **KUTTIATTUPARAMBIL KRISHNANKUTTY, S/O.MAMUTTY, KALATHODE, THRISSUR -680 655.**
9. **ILLICKAL JAGADEESAN, S/O.KUNJUNNI, KALATHODE, THRISSUR-680 655.**

BY ADV. SRI.T.SETHUMADHAVAN,
SRI.PUSHPARAJAN KODOTH,
SRI.K.JAYESH MOHANKUMAR.

W.P.(C). NO.24205/2004:

RESPONDENTS:
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1. **THE PRINCIPAL CHIEF CONSERVATOR OF VESTED FORESTS, THIRUVANANTHAPURAM.**
2. **CONSERVATOR OF FORESTS AND CUSTODIAN OF VESTED FORESTS, OLAVAKKODE CIRCLE, PALAKKAD-2.**
3. **DIVISIONAL FOREST OFFICER, MANNARKKAD.**
4. **STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.24205/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE REVENUE DIVISIONAL OFFICER, OTTAPALAM DT. 05/01/98.

EXT.P.2: COPY OF THE GAZETTE NOTIFICATION DTD. 02/01/2001 ISSUED BY THE R.1.

EXT.P.3: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE THE R.4. DT. NIL.

EXT.P.4: COPY OF THE COMMUNICATION FORWARDED BY THE R.2. TO THE R.1. DTD. 03/07/2002.

EXT.P.5: COPY OF THE PETITION SUBMITTED BY THE PETITIONERS BEFORE THE R.1. DTD. 14/01/2004.

EXT.P.6: COPY OF THE JUDGMENT IN W.P.(C) .NO. 18214/03 OF THIS HONOURABLE COURT DT. 09/01/2004.

EXT.P.7: COPY OF THE NOTIFICATION ISSUED BY THE R.1. DT. 01/01/2004.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

W.P.(C) No.24205 of 2004

Dated 6th July, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "Issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to delete the petitioners' property having an extent of 26.18 acres included as item No.27 in Ext.P2 notification as recommended in Ext.P4.
>
> (ii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to consider Ext.P5 petition in the light of Ext.P6 judgment."

It is submitted that action on Ext.P5 petition is liable to be taken in the light of Ext.P4 survey report and also a similar case referred to in Ext.P6 judgment. There will be a direction to the first respondent to take appropriate action on Ext.P5, taking into consideration Ext.P4 report and Ext.P6 judgment with notice to the petitioner, within four months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 6th July, 2007.